

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 05-84-SLR

GARY ARTERS,

Defendant.

**SECOND RULE 12.4 DISCLOSURE STATEMENT BY GOVERNMENT**

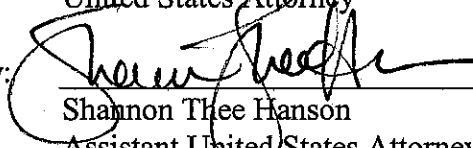
Pursuant to Federal Rule of Criminal Procedure 12.4(a)(2), the United States discloses that Providian National Bank, the second of two organizational victims in this case, is a wholly-owned subsidiary of Providian Financial Corporation ("PFC"). PFC is publicly traded on the New York Stock Exchange. As of September 9, 2005, no one individual or entity owned more than 10% of PFC.

PFC and all of its subsidiary corporations are being acquired by Washington Mutual, Inc. This merger is scheduled to close on October 1, 2005, at which time PFC and Providian National Bank will no longer exist. Providian National Bank will merge into Washington Mutual Bank. Washington Mutual Bank is a subsidiary of Washington Mutual, Inc., and Washington Mutual Inc. is publicly traded.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

By:

  
Shannon Thee Hanson  
Assistant United States Attorney

Dated: September 28, 2005

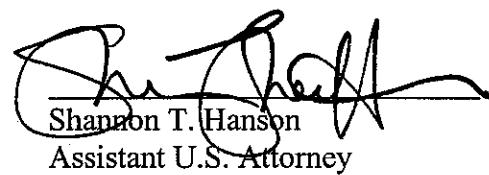
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UNITED STATES OF AMERICA, :  
: Plaintiff, :  
v. : :  
: Criminal Action No. 05-84-SLR  
GARY ARTERS, :  
: Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, Shannon T. Hanson, an employee in the Office of the United States Attorney for the District of Delaware, hereby attest under penalty of perjury that on the 28<sup>th</sup> day of September, 2005, I electronically filed a **SECOND RULE 12.4 DISCLOSURE STATEMENT** with the Clerk of Court using CM/ECF. Said document is available for viewing and downloading from CM/ECF, which will send notification of such filings to the following:

John S. Malik, Esq.  
100 East 14<sup>th</sup> Street  
Wilmington, DE 19801



Shannon T. Hanson  
Assistant U.S. Attorney